

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE ENROLLED ACT No. 274

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AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 3-8-1-1 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section does not apply to a candidate for any of the following offices:

(1) Judge of a city court. ~~in a city located in a county having a population of:~~

~~(A) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or~~

~~(B) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~

~~(2) judge of a city court in a third class city; or~~

~~(3) (2) Judge of a town court.~~

(b) A person is not qualified to run for:

(1) a state office;

(2) a legislative office;

(3) a local office; or

(4) a school board office;

unless the person is registered to vote in the election district the person seeks to represent not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination.

(c) If a candidate filing error is made by the election division or a circuit court clerk, the error does not invalidate the filing.

SECTION 2. IC 3-8-1-1.5 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) This section applies to a candidate for any of the following offices:

(1) Judge of a city court in a city located in a county having a population of

~~(A) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or~~

~~(B) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~

~~(2) Judge of a city court in a third class city.~~

~~(3) (2) Judge of a town court.~~

(b) A person is not qualified to run for an office subject to this section unless **not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination** the person is registered to vote in a county in which the municipality is located.

SECTION 3. IC 3-8-1-28.5, AS AMENDED BY HEA 1079-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28.5. (a) This section does not apply to a candidate for the office of judge of a city court in a city located in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

(b) A candidate for the office of judge of a city court must reside in the city upon filing a declaration of candidacy or declaration of intent to be a write-in candidate required under IC 3-8-2, a petition of nomination under IC 3-8-6, or a certificate of nomination under IC 3-10-6-12.

(c) A candidate for the office of judge of a city court must reside in a county in which the city is located upon the filing of a certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8.

**(d) This subsection applies to a candidate for the office of judge of a city court listed in IC 33-10.1-5-7(c). Before a candidate for the office of judge of the court may file a:**

**(1) declaration of candidacy or petition of nomination; or**

**(2) certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8;**

**the candidate must be an attorney in good standing admitted to the practice of law in Indiana.**

SECTION 4. IC 3-8-1-29.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29.5. (a) **This section applies to a candidate for the office of judge of a town court listed in IC 33-10.1-5-7(c).**

**(b) Before a candidate for the office of judge of the court may file a:**



- (1) declaration of candidacy or petition of nomination; or
- (2) certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8;

**the candidate must be an attorney in good standing admitted to the practice of law in Indiana.**

SECTION 5. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The copy of the oath under section 2 of this chapter shall be deposited by the person as follows:

- (1) Of all officers whose oath is endorsed on the commission and whose duties are not limited to a particular county, in the office of the secretary of state.
- (2) Of county officers, and constables of a small claims court, in the circuit court clerk's office of the county.
- (3) Of county council members, officers appointed by the board of county commissioners, and township officers that the board may require to do so, with the county auditor.
- (4) Of township board members, with the township trustee.
- (5) Of city officers, in the office of the clerk of the city-county council, city clerk, or city clerk-treasurer.
- (6) Of deputies of the surveyor, in a book kept by the surveyor for this purpose.
- (7) Of town officers, in the office of the town clerk-treasurer.
- (8) Of a justice, judge, or prosecuting attorney, in the office of the secretary of state.
- (9) Of a deputy prosecuting attorney, in the office of the clerk of the circuit court of the county in which the deputy prosecuting attorney resides **or serves**.
- (10) Of a school board member, in the circuit court clerk's office of the county containing the greatest percentage of population of the school corporation.

SECTION 6. IC 33-5-29.5-7.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.2. (a) The judge of division No. 1, division No. 2, and division No. 3 of the court may each appoint one (1) full-time magistrate under IC 33-4-7 to serve as the court requires. A magistrate appointed under this section:

- (1) ~~need not~~ **must** be a resident of the county; and
- (2) continues in office until removed by the judge that the magistrate serves.
- (b) The appointment of a magistrate under this section must be in writing.
- (c) The judge may specifically determine the duties of the magistrate within the limits established under IC 33-4-7.



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(d) The county executive shall provide and maintain suitable facilities for the use of the magistrate, including necessary furniture and equipment.

(e) The court shall employ administrative staff necessary to support the functions of the magistrates.

(f) The county fiscal body shall appropriate sufficient funds for the provision of staff and facilities required under this section.

(g) A magistrate is entitled to annual compensation as established under IC 33-4-7-9.1. The state shall pay the salary set under IC 33-4-7-9.1.

SECTION 7. IC 33-14-1-1.5, AS ADDED BY SEA 28-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:  
Sec. 1.5. (a) **This section does not apply to a deputy prosecuting attorney appointed by a prosecuting attorney or a special prosecutor appointed by a court.**

(b) To be eligible to hold office as a prosecuting attorney, a person must be a resident of the judicial circuit that the person serves.

SECTION 8. [EFFECTIVE UPON PASSAGE] (a) **This SECTION does not apply to a deputy prosecuting attorney appointed by a prosecuting attorney or a special prosecutor appointed by a court.**

(b) To be eligible to hold office as a prosecuting attorney, a person must be a resident of the judicial circuit that the person serves.

(c) **This SECTION expires July 1, 1999.**

SECTION 9. **An emergency is declared for this act.**

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